

107TH CONGRESS
2D SESSION

H. R. 4015

AN ACT

To amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

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To amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**
 2 **UNITED STATES CODE; TABLE OF CONTENTS.**

3 (a) SHORT TITLE.—This Act may be cited as the
 4 “Jobs for Veterans Act”.

5 (b) REFERENCES TO TITLE 38, UNITED STATES
 6 CODE.—Except as otherwise expressly provided, whenever
 7 in this Act an amendment or repeal is expressed in terms
 8 of an amendment to, or repeal of, a section or other provi-
 9 sion, the reference shall be considered to be made to a
 10 section or other provision of title 38, United States Code.

11 (c) TABLE OF CONTENTS.—The table of contents of
 12 this Act is as follows:

Sec. 1. Short title; references to title 38, United States Code.

Sec. 2. Priority of service for veterans in Department of Labor job training pro-
grams.

Sec. 3. Performance incentive awards for quality veterans employment, train-
ing, and placement services.

Sec. 4. Refinement of job training and placement functions of the Department.

Sec. 5. Additional improvements in veterans employment and training services.

Sec. 6. Committee to raise employer awareness of skills of veterans and benefits
of hiring veterans.

Sec. 7. Sense of Congress commending veterans and military service organiza-
tions.

Sec. 8. Study on economic benefits to the United States of long-term sustained
employment of veterans.

13 **SEC. 2. PRIORITY OF SERVICE FOR VETERANS IN DEPART-**
 14 **MENT OF LABOR JOB TRAINING PROGRAMS.**

15 (a) VETERANS’ JOB TRAINING ASSISTANCE.—

16 (1) IN GENERAL.—Chapter 42 is amended by
 17 adding at the end the following new section:

1 **“§ 4215. Priority of service for veterans in Depart-**
2 **ment of Labor job training programs**

3 “(a) DEFINITIONS.—In this section:

4 “(1) The term ‘covered person’ means any of
5 the following individuals:

6 “(A) A veteran.

7 “(B) The spouse of any of the following in-
8 dividuals:

9 “(i) Any veteran who died of a serv-
10 ice-connected disability.

11 “(ii) Any member of the Armed
12 Forces serving on active duty who, at the
13 time of application for assistance under
14 this section, is listed, pursuant to section
15 556 of title 37 and regulations issued
16 thereunder, by the Secretary concerned in
17 one or more of the following categories and
18 has been so listed for a total of more than
19 90 days: (I) missing in action, (II) cap-
20 tured in line of duty by a hostile force, or
21 (III) forcibly detained or interned in line of
22 duty by a foreign government or power.

23 “(iii) Any veteran who has a total dis-
24 ability resulting from a service-connected
25 disability.

1 “(iv) Any veteran who died while a
2 disability so evaluated was in existence.

3 “(2) The term ‘qualified job training program’
4 means any workforce preparation, development, or
5 delivery program or service that is directly funded,
6 in whole or in part, by the Department of Labor and
7 includes the following:

8 “(A) Any such program or service that
9 uses technology to assist individuals to access
10 workforce development programs (such as job
11 and training opportunities, labor market infor-
12 mation, career assessment tools, and related
13 support services).

14 “(B) Any such program or service under
15 the public employment service system, one-stop
16 career centers, the Workforce Investment Act of
17 1998, a demonstration or other temporary pro-
18 gram, and those programs implemented by
19 States or local service providers based on Fed-
20 eral block grants administered by the Depart-
21 ment of Labor.

22 “(C) Any such program or service that is
23 a workforce development program targeted to
24 specific groups.

1 “(3) The term ‘priority of service’ means, with
2 respect to any qualified job training program, that
3 a covered person shall be given priority over non-
4 veterans for the receipt of employment, training, and
5 placement services provided under that program,
6 notwithstanding any other provision of law.

7 “(b) ENTITLEMENT TO PRIORITY OF SERVICE.—(1)
8 A covered person is entitled to priority of service under
9 any qualified job training program if the person otherwise
10 meets the eligibility requirements for participation in such
11 program.

12 “(2) The Secretary of Labor may establish priorities
13 among covered persons for purposes of this section to take
14 into account the needs of disabled veterans and special dis-
15 abled veterans, and such other factors as the Secretary
16 determines appropriate.

17 “(c) ADMINISTRATION OF PROGRAMS AT STATE AND
18 LOCAL LEVELS.—An entity of a State or a political sub-
19 division of the State that administers or delivers services
20 under a qualified job training program shall—

21 “(1) provide information and priority of service
22 to covered persons regarding benefits and services
23 that may be obtained through other entities or serv-
24 ice providers; and

1 “(2) ensure that each covered person who ap-
 2 plies to or who is assisted by such a program is in-
 3 formed of the employment-related rights and bene-
 4 fits to which the person is entitled under this sec-
 5 tion.

6 “(d) ADDITION TO ANNUAL REPORT.—In the annual
 7 report required under section 4107(c) of this title for the
 8 program year beginning in 2002 and each subsequent pro-
 9 gram year, the Secretary of Labor shall evaluate whether
 10 covered persons are receiving priority of service and are
 11 being fully served by qualified job training programs, and
 12 whether the levels of service of such programs are in pro-
 13 portion to the incidence of representation of veterans in
 14 the labor market, including within groups that the Sec-
 15 retary may designate for priority under such programs,
 16 if any.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
 18 tions at the beginning of chapter 42 is amended by
 19 inserting after the item relating to section 4214 the
 20 following new item:

“4215. Priority of service for veterans in Department of Labor job training pro-
 grams.”.

21 (b) EMPLOYMENT OF VETERANS WITH RESPECT TO
 22 FEDERAL CONTRACTS.—

23 (1) IN GENERAL.—Section 4212(a) is amended
 24 to read as follows:

1 “(a)(1) Any contract in the amount of \$100,000 or
2 more entered into by any department or agency of the
3 United States for the procurement of personal property
4 and nonpersonal services (including construction) for the
5 United States, shall contain a provision requiring that the
6 party contracting with the United States take affirmative
7 action to employ and advance in employment qualified cov-
8 ered veterans. This section applies to any subcontract en-
9 tered into by a prime contractor in carrying out any such
10 contract.

11 “(2) In addition to requiring affirmative action to
12 employ such qualified covered veterans under such con-
13 tracts and subcontracts and in order to promote the imple-
14 mentation of such requirement, the Secretary of Labor
15 shall prescribe regulations requiring that—

16 “(A) each such contractor for each such con-
17 tract shall immediately list all of its employment
18 openings with the appropriate employment service
19 delivery system (as defined in section 4101(7) of this
20 title), and may also list such openings with one-stop
21 career centers under the Workforce Investment Act
22 of 1998, other appropriate service delivery points, or
23 America’s Job Bank (or any additional or subse-
24 quent national electronic job bank established by the
25 Department of Labor), except that the contractor

1 may exclude openings for executive and senior man-
2 agement positions and positions which are to be
3 filled from within the contractor’s organization and
4 positions lasting three days or less;

5 “(B) each such employment service delivery sys-
6 tem shall give such qualified covered veterans pri-
7 ority in referral to such employment openings; and

8 “(C) each such employment service delivery sys-
9 tem shall provide a list of such employment openings
10 to States, political subdivisions of States, or any pri-
11 vate entities or organizations under contract to carry
12 out employment, training, and placement services
13 under chapter 41 of this title.

14 “(3) In this section:

15 “(A) The term ‘covered veteran’ means any of
16 the following veterans:

17 “(i) Disabled veterans.

18 “(ii) Veterans who served on active duty in
19 the Armed Forces during a war or in a cam-
20 paign or expedition for which a campaign badge
21 has been authorized.

22 “(iii) Veterans who, while serving on active
23 duty in the Armed Forces, participated in a
24 United States military operation for which an
25 Armed Forces service medal was awarded pur-

1 suant to Executive Order 12985 (61 Fed. Reg.
2 1209).

3 “(iv) Recently separated veterans.

4 “(B) The term ‘qualified’, with respect to an
5 employment position, means having the ability to
6 perform the essential functions of the position with
7 or without reasonable accommodation for an indi-
8 vidual with a disability.”.

9 (2) CONFORMING AND TECHNICAL AMEND-
10 MENTS.—(A) Section 4212(c) is amended—

11 (i) by striking “suitable”; and

12 (ii) by striking “subsection (a)(2) of this
13 section” and inserting “subsection (a)(2)(B)”.

14 (B) Section 4212(d)(1) is amended—

15 (i) in the matter preceding subparagraph
16 (A), by striking “of this section” after “sub-
17 section (a)”;

18 (ii) by amending subparagraphs (A) and
19 (B) to read as follows:

20 “(A) the number of employees in the workforce
21 of such contractor, by job category and hiring loca-
22 tion, and the number of such employees, by job cat-
23 egory and hiring location, who are qualified covered
24 veterans;

1 “(B) the total number of new employees hired
2 by the contractor during the period covered by the
3 report and the number of such employees who are
4 qualified covered veterans; and”.

5 (C) Section 4212(d)(2) is amended by striking
6 “of this subsection” after “paragraph (1)”.

7 (D) Section 4211(6) is amended by striking
8 “one-year period” and inserting “three-year period”.

9 (3) EFFECTIVE DATE.—The amendments made
10 by this subsection shall apply with respect to con-
11 tracts entered into on or after the first day of the
12 first month that begins 12 months after the date of
13 the enactment of this Act.

14 (c) EMPLOYMENT WITHIN THE FEDERAL GOVERN-
15 MENT.—

16 (1) PURPOSE.—The second sentence of section
17 4214(a)(1) is amended—

18 (A) by inserting “, competent” after “ef-
19 fective”; and

20 (B) by striking “major” and inserting
21 “uniquely qualified”.

22 (2) APPOINTMENTS.—Section 4214(b) is
23 amended—

24 (A) in paragraph (1), by striking “read-
25 justment” and inserting “recruitment”;

1 (B) in paragraph (2), by striking “to—”
2 and all that follows through the period at the
3 end and inserting “to qualified covered vet-
4 erans.”;

5 (C) in paragraph (3)—

6 (i) by striking subparagraphs (A) and
7 (B);

8 (ii) by redesignating subparagraphs
9 (C) and (D) as subparagraphs (B) and
10 (C), respectively,

11 (iii) in subparagraph (B), as so redes-
12 ignated, by striking “The limitations of
13 subparagraphs (A) and (B) of this para-
14 graph” and inserting “The limitation of
15 subparagraph (A)”;

16 (iv) in subparagraph (C), as so redes-
17 ignated, by striking “clause (i) of subpara-
18 graphs (A) and (B) of this paragraph” and
19 inserting “subparagraph (A)”;

20 (v) by inserting before subparagraph
21 (B), as so redesignated, the following new
22 subparagraph:

23 “(A) Except as provided in subparagraph (B), a
24 qualified covered veteran may receive such an appointment

1 only within the 10-year period that begins on the date of
 2 the veteran’s last discharge or release from active duty.”.

3 (3) TECHNICAL AMENDMENTS.—(A) Section
 4 4214(a) is amended—

5 (i) in the third sentence of paragraph (1),
 6 by striking “disabled veterans and certain vet-
 7 erans of the Vietnam era and of the post-Viet-
 8 nam era” and inserting “qualified covered vet-
 9 erans (as defined in paragraph (2)(B))”; and

10 (ii) in paragraph (2), to read as follows:

11 “(2) In this section:

12 “(A) The term ‘agency’ has the meaning given
 13 the term ‘department or agency’ in section 4211(5)
 14 of this title.

15 “(B) The term ‘qualified covered veteran’
 16 means a veteran described in section 4212(a)(3) of
 17 this title.”.

18 (B) Clause (i) of section 4214(e)(2)(B) is
 19 amended by striking “of the Vietnam era”.

20 (C) Section 4214(g) is amended by striking
 21 “qualified” the first place it occurs and all that fol-
 22 lows through “era” the first place it occurs and in-
 23 serting “qualified covered veterans”.

1 **SEC. 3. PERFORMANCE INCENTIVE AWARDS FOR QUALITY**
2 **VETERANS EMPLOYMENT, TRAINING, AND**
3 **PLACEMENT SERVICES.**

4 (a) PERFORMANCE INCENTIVE AWARDS FOR QUAL-
5 ITY EMPLOYMENT, TRAINING, AND PLACEMENT SERV-
6 ICES.—

7 (1) IN GENERAL.—Chapter 41 is amended by
8 adding at the end the following new section:

9 **“§ 4112. Performance incentive awards for quality**
10 **employment, training, and placement**
11 **services**

12 “(a) PROGRAM OF PERFORMANCE INCENTIVE
13 AWARDS.—(1) The Secretary shall carry out a program,
14 consistent with the provisions of this section, of perform-
15 ance incentive awards to States to encourage the improve-
16 ment and modernization of employment, training, and
17 placement services provided under this chapter. The Sec-
18 retary shall carry out the program through the Assistant
19 Secretary of Labor for Veterans’ Employment and Train-
20 ing.

21 “(2) The Secretary shall make performance incentive
22 awards for each program year, beginning with the pro-
23 gram year that begins in fiscal year 2004, with respect
24 to services provided under this chapter during the pre-
25 ceding program year.

1 “(b) CRITERIA FOR ELIGIBILITY FOR AWARDS.—The
2 Secretary shall establish criteria for eligibility for perform-
3 ance incentive awards for purposes of this section in con-
4 sultation with representatives of States, political subdivi-
5 sions of States, and other providers of employment, train-
6 ing, and placement services under the Workforce Invest-
7 ment Act of 1998 consistent with the performance meas-
8 ures established under section 4102A(b)(7) of this title.

9 “(c) DETERMINATION OF AMOUNT OF AWARD.—(1)
10 The Secretary shall determine the amount of performance
11 incentive awards in a State under this section by meas-
12 uring the performance of the State in providing employ-
13 ment, training, and placement services furnished veterans
14 and eligible persons in each State through employment
15 service delivery systems, through disabled veterans’ out-
16 reach program specialists, and through local veterans’ em-
17 ployment representatives during the previous program
18 year based on the measures of performance established
19 under section 4102A(b)(7) of this title.

20 “(2) In determining the amount of awards under
21 paragraph (1), the Secretary shall—

22 “(A) provide greater amounts to those States
23 which the Secretary determines furnished, during
24 the preceding fiscal year, the highest quality employ-

1 ment, training, and placement services based on
2 measures of performance;

3 “(B) provide awards to those States that have
4 made significant improvements in the delivery of
5 such services, as determined by the Secretary, but
6 do not meet the criteria under subparagraph (A);
7 and

8 “(C) consider the applicable annual unemploy-
9 ment data for the State and other factors, such as
10 prevailing economic conditions, that affect perform-
11 ance of individuals providing employment, training,
12 and placement services in the State.

13 “(d) USE OF AWARD.—Amounts received by a State
14 under this section may be used—

15 “(1) to hire additional State veterans employ-
16 ment and training staff; or

17 “(2) for such other purposes related to the pro-
18 vision of employment, placement, and training serv-
19 ices as the Secretary may approve for such services
20 furnished under this chapter to veterans and eligible
21 persons.

22 “(e) RELATIONSHIP OF AWARD TO GRANT AMOUNTS
23 OR OTHER COMPENSATION.—A performance incentive
24 award under this section is in addition to amounts made

1 available to a State under section 4102A(b)(5) of this
2 title.

3 “(f) AVAILABILITY FOR OBLIGATION.—Amounts re-
4 ceived in a performance incentive award under this section
5 may be obligated by the State during the program year
6 in which the award was received and the subsequent pro-
7 gram year.

8 “(g) APPROPRIATIONS.—The Secretary shall carry
9 out the program under this section from amounts appro-
10 priated pursuant to the authorization under section
11 4106(b)(2) of this title. Such amounts shall only be avail-
12 able to carry out the program under this section.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 41 is amended by
15 adding at the end the following new item:

“4112. Performance incentive awards for quality employment, training, and
placement services.”.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
17 4106(b) is amended—

18 (1) by inserting “(1)” after “(b)”; and

19 (2) by adding at the end the following new
20 paragraph:

21 “(2) In addition to amounts authorized to be appro-
22 priated under paragraph (1), there are authorized to be
23 appropriated to the Secretary to carry out the program

1 of performance incentive awards under section 4112 of
2 this title the following:

3 “(A) For the program year beginning during
4 fiscal year 2004, \$10,000,000.

5 “(B) For the program year beginning during
6 fiscal year 2005, \$25,000,000.

7 “(C) For the program year beginning during
8 fiscal year 2006, \$50,000,000.

9 “(D) For the program year beginning during
10 fiscal year 2007, \$75,000,000.

11 “(E) For the program year beginning during
12 fiscal year 2008, \$100,000,000.

13 “(F) For the program year beginning during
14 fiscal year 2009 and each subsequent fiscal year,
15 such sums as are necessary.”.

16 **SEC. 4. REFINEMENT OF JOB TRAINING AND PLACEMENT**
17 **FUNCTIONS OF THE DEPARTMENT.**

18 (a) REVISION OF DEPARTMENT LEVEL SENIOR OF-
19 FICIALS AND FUNCTIONS.—

20 (1) IN GENERAL.—Sections 4102A and 4103
21 are amended to read as follows:

1 **“§ 4102A. Assistant Secretary of Labor for Veterans’**
2 **Employment and Training; program func-**
3 **tions; Regional Administrators**

4 “(a) ESTABLISHMENT OF POSITION OF ASSISTANT
5 SECRETARY OF LABOR FOR VETERANS’ EMPLOYMENT
6 AND TRAINING.—(1) There is established within the De-
7 partment of Labor an Assistant Secretary of Labor for
8 Veterans’ Employment and Training, appointed by the
9 President by and with the advice and consent of the Sen-
10 ate, who shall formulate and implement all departmental
11 policies and procedures to carry out (A) the purposes of
12 this chapter, chapter 42, and chapter 43 of this title, and
13 (B) all other Department of Labor employment, unem-
14 ployment, and training programs to the extent they affect
15 veterans. The Assistant Secretary of Labor for Veterans’
16 Employment and Training shall be a veteran.

17 “(2) The employees of the Department of Labor ad-
18 ministering chapter 43 of this title shall be administra-
19 tively and functionally responsible to the Assistant Sec-
20 retary of Labor for Veterans’ Employment and Training.

21 “(3)(A) There shall be within the Department of
22 Labor a Deputy Assistant Secretary of Labor for Vet-
23 erans’ Employment and Training. The Deputy Assistant
24 Secretary shall perform such functions as the Assistant
25 Secretary of Labor for Veterans’ Employment and Train-

1 ing prescribes. The Deputy Assistant Secretary shall be
2 a veteran.

3 “(B) No individual may be appointed as a Deputy
4 Assistant Secretary of Labor for Veterans’ Employment
5 and Training unless the individual has at least five years
6 of continuous service in the Federal civil service in the
7 executive branch immediately preceding appointment as
8 the Deputy Assistant Secretary. For purposes of deter-
9 mining such continuous service of an individual, there
10 shall be excluded any service by the individual in a
11 position—

12 “(i) of a confidential, policy-determining, policy-
13 making, or policy-advocating character;

14 “(ii) in which the individual served as a non-
15 career appointee in the Senior Executive Service, as
16 such term is defined in section 3132(a)(7) of title 5;
17 or

18 “(iii) to which the individual was appointed by
19 the President.

20 “(b) PROGRAM FUNCTIONS.—The Secretary shall
21 carry out the following functions:

22 “(1) Except as expressly provided otherwise,
23 carry out all provisions of this chapter and chapter
24 43 of this title through the Assistant Secretary of
25 Labor for Veterans’ Employment and Training and

1 administer through such Assistant Secretary all pro-
2 grams under the jurisdiction of the Secretary for the
3 provision of employment and training services de-
4 signed to meet the needs of all veterans and persons
5 eligible for services furnished under this chapter.

6 “(2) In order to make maximum use of avail-
7 able resources in meeting such needs, encourage all
8 such programs, and all grantees and contractors
9 under such programs to enter into cooperative ar-
10 rangements with private industry and business con-
11 cerns (including small business concerns owned by
12 veterans or disabled veterans), educational institu-
13 tions, trade associations, and labor unions.

14 “(3) Ensure that maximum effectiveness and
15 efficiency are achieved in providing services and as-
16 sistance to eligible veterans under all such programs
17 by coordinating and consulting with the Secretary of
18 Veterans Affairs with respect to (A) programs con-
19 ducted under other provisions of this title, with par-
20 ticular emphasis on coordination of such programs
21 with readjustment counseling activities carried out
22 under section 1712A of this title, apprenticeship or
23 other on-the-job training programs carried out under
24 section 3687 of this title, and rehabilitation and
25 training activities carried out under chapter 31 of

1 this title and (B) determinations covering veteran
2 population in a State.

3 “(4) Ensure that employment, training, and
4 placement activities are carried out in coordination
5 and cooperation with appropriate State public em-
6 ployment service officials.

7 “(5) Subject to subsection (c), make available
8 for use in each State by grant or contract such
9 funds as may be necessary to support—

10 “(A) disabled veterans’ outreach program
11 specialists appointed under section 4103A(a)(1)
12 of this title,

13 “(B) local veterans’ employment represent-
14 atives assigned under section 4104(b) of this
15 title, and

16 “(C) the reasonable expenses of such spe-
17 cialists and representatives described in sub-
18 paragraphs (A) and (B), respectively, for train-
19 ing, travel, supplies, and other business ex-
20 penses, including travel expenses and per diem
21 for attendance at the National Veterans’ Em-
22 ployment and Training Services Institute estab-
23 lished under section 4109 of this title.

1 “(6) Monitor and supervise on a continuing
2 basis the distribution and use of funds provided for
3 use in the States under paragraph (5).

4 “(7) Establish, and update as appropriate, a
5 comprehensive performance accountability system
6 (as described in subsection (f)) and carry out annual
7 performance reviews of veterans employment, train-
8 ing, and placement services provided through em-
9 ployment service delivery systems, through disabled
10 veterans’ outreach program specialists, and through
11 local veterans’ employment representatives in States
12 receiving grants, contracts, or awards under this
13 chapter.

14 “(c) CONDITIONS FOR RECEIPT OF FUNDS.—(1) The
15 distribution and use of funds under subsection (b)(5) in
16 order to carry out sections 4103A(a) and 4104(a) of this
17 title shall be subject to the continuing supervision and
18 monitoring of the Secretary and shall not be governed by
19 the provisions of any other law, or any regulations pre-
20 scribed thereunder, that are inconsistent with this section
21 or section 4103A or 4104 of this title.

22 “(2)(A) A State shall submit to the Secretary an ap-
23 plication for a grant or contract under subsection (b)(5).
24 The application shall contain the following information:

1 “(i) A plan that describes the manner in which
2 the State shall furnish employment, training, and
3 placement services required under this chapter for
4 the program year, including a description of—

5 “(I) duties assigned by the State to dis-
6 abled veterans’ outreach program specialists
7 and local veterans’ employment representatives
8 consistent with the requirements of sections
9 4103A and 4104 of this title; and

10 “(II) the manner in which such specialists
11 and representatives are integrated in the em-
12 ployment service delivery systems in the State.

13 “(ii) The veteran population to be served.

14 “(iii) Such additional information as the Sec-
15 retary may require to make a determination with re-
16 spect to awarding a grant or contract to the State.

17 “(B)(i) Subject to the succeeding provisions of this
18 subparagraph, of the amount available under subsection
19 (b)(5) for a fiscal year, the Secretary shall make available
20 to each State with an application approved by the Sec-
21 retary an amount of funding in proportion to the number
22 of veterans seeking employment using such criteria as the
23 Secretary may establish in regulation, including civilian
24 labor force and unemployment data, for the State on an

1 annual basis. The proportion of funding shall reflect the
2 ratio of—

3 “(I) the total number of veterans residing in
4 the State that are seeking employment; to

5 “(II) the total number of veterans seeking em-
6 ployment in all States.

7 “(ii) The Secretary shall phase in over the three fis-
8 cal-year period that begins on October 1, 2002, the man-
9 ner in which amounts are made available to States under
10 subsection (b)(5) and this subsection, as amended by the
11 Jobs for Veterans Act.

12 “(iii) In carrying out this paragraph, the Secretary
13 may establish minimum funding levels and hold-harmless
14 criteria for States.

15 “(3)(A) As a condition of a grant or contract under
16 this section for a program year, in the case of a State
17 that the Secretary determines has an entered-employment
18 rate for veterans that is deficient for the preceding pro-
19 gram year, the State shall develop and implement a correc-
20 tive action plan to improve that rate for veterans in the
21 State. The State shall submit the corrective action plan
22 to the Secretary.

23 “(B) To carry out subparagraph (A), the Secretary
24 shall establish in regulations a uniform national threshold
25 entered-employment rate for veterans for a program year

1 by which determinations of deficiency may be made under
2 subparagraph (A).

3 “(C) In making a determination with respect to a de-
4 ficiency under subparagraph (A), the Secretary shall take
5 into account the applicable annual unemployment data for
6 the State and consider other factors, such as prevailing
7 economic conditions, that affect performance of individ-
8 uals providing employment, training, and placement serv-
9 ices in the State.

10 “(4) In determining the terms and conditions of a
11 grant or contract under which funds are made available
12 to a State in order to carry out section 4103A or 4104
13 of this title, the Secretary shall take into account—

14 “(A) the results of reviews, carried out pursu-
15 ant to subsection (b)(7), of the performance of the
16 employment, training, and placement service delivery
17 system in the State, and

18 “(B) the monitoring carried out under this sec-
19 tion.

20 “(5) Each grant or contract by which funds are made
21 available to a State shall contain a provision requiring the
22 recipient of the funds—

23 “(A) to comply with the provisions of this chap-
24 ter; and

1 “(B) on an annual basis, to notify to Secretary
2 of, and provide supporting rationale for, each non-
3 veteran who is employed as a disabled veterans’ out-
4 reach program specialist and local veterans’ employ-
5 ment representative for a period in excess of 6
6 months.

7 “(6) Each State shall coordinate employment, train-
8 ing, and placement services furnished to veterans and eli-
9 gible persons under this chapter with such services fur-
10 nished with respect to such veterans and persons under
11 the Workforce Investment Act of 1998 and the Wagner-
12 Peyser Act.

13 “(d) PARTICIPATION IN OTHER FEDERALLY FUND-
14 ED JOB TRAINING PROGRAMS.—The Assistant Secretary
15 of Labor for Veterans’ Employment and Training shall
16 promote and monitor participation of qualified veterans
17 and eligible persons in employment and training opportu-
18 nities under title I of the Workforce Investment Act of
19 1998 and other federally funded employment and training
20 programs.

21 “(e) REGIONAL ADMINISTRATORS.—(1) The Sec-
22 retary shall assign to each region for which the Secretary
23 operates a regional office a representative of the Veterans’
24 Employment and Training Service to serve as the Re-
25 gional Administrator for Veterans’ Employment and

1 Training in such region. A person may not be assigned
2 after October 9, 1996, as such a Regional Administrator
3 unless the person is a veteran.

4 “(2) Each such Regional Administrator shall carry
5 out such duties as the Secretary may require to promote
6 veterans employment and reemployment within the region
7 that the Administrator serves.

8 “(f) ESTABLISHMENT OF PERFORMANCE STAND-
9 ARDS AND OUTCOMES MEASURES.—(1) By not later than
10 3 months after the date of the enactment of this section,
11 the Assistant Secretary of Labor for Veterans’ Employ-
12 ment and Training shall establish and implement a com-
13 prehensive performance accountability system to measure
14 the performance of employment service delivery systems,
15 disabled veterans’ outreach program specialists, and local
16 veterans’ employment representatives providing employ-
17 ment, training, and placement services under this chapter
18 in a State to provide accountability of that State to the
19 Secretary for purposes of subsection (c).

20 “(2) Such standards and measures shall—

21 “(A) be consistent with State performance
22 measures applicable under section 136(b) of the
23 Workforce Investment Act of 1998; and

24 “(B) be appropriately weighted to provide spe-
25 cial consideration for placement of (i) veterans re-

1 quiring intensive services (as defined in section
2 4101(9) of this title), such as special disabled vet-
3 erans and disabled veterans, and (ii) veterans who
4 enroll in readjustment counseling under section
5 1712A of this title.

6 **“§ 4103. Directors and Assistant Directors for Vet-**
7 **erans’ Employment and Training; addi-**
8 **tional Federal personnel**

9 “(a) DIRECTORS AND ASSISTANT DIRECTORS.—(1)
10 The Secretary shall assign to each State a representative
11 of the Veterans’ Employment and Training Service to
12 serve as the Director for Veterans’ Employment and
13 Training, and shall assign full-time Federal clerical or
14 other support personnel to each such Director.

15 “(2) Full-time Federal clerical or other support per-
16 sonnel assigned to Directors for Veterans’ Employment
17 and Training shall be appointed in accordance with the
18 provisions of title 5 governing appointments in the com-
19 petitive service and shall be paid in accordance with the
20 provisions of chapter 51 and subchapter III of chapter 53
21 of title 5.

22 “(b) ADDITIONAL FEDERAL PERSONNEL.—The Sec-
23 retary may also assign as supervisory personnel such rep-
24 resentatives of the Veterans’ Employment and Training
25 Service as the Secretary determines appropriate to carry

1 out the employment, training, and placement services re-
 2 quired under this chapter, including Assistant Directors
 3 for Veterans' Employment and Training.”.

4 (2) CLERICAL AMENDMENTS.—The items relat-
 5 ing to sections 4102A and 4103, respectively, in the
 6 table of sections at the beginning of chapter 41 are
 7 amended to read as follows:

“4102A. Assistant Secretary of Labor for Veterans' Employment and Training;
 program functions; Regional Administrators.

“4103. Directors and Assistant Directors for Veterans' Employment and Train-
 ing; additional Federal personnel.”.

8 (3) CONFORMING AMENDMENT RELATING TO
 9 PERFORMANCE STANDARDS.—(A)(i) Section 4104A
 10 is repealed.

11 (ii) The table of sections at the beginning of
 12 chapter 41 is amended by striking the item relating
 13 to section 4104A.

14 (B) Section 4107(b) is amended by striking
 15 “The Secretary shall establish definitive performance
 16 standards” and inserting “The Secretary shall apply
 17 performance standards established under section
 18 4102A(f) of this title”.

19 (4) EFFECTIVE DATE.—The amendments made
 20 by this subsection shall take effect on December 1,
 21 2002, and shall apply to appointments made on or
 22 after that date.

1 (b) REVISION OF STATUTORILY DEFINED DUTIES OF
 2 DISABLED VETERANS’ OUTREACH PROGRAM SPECIAL-
 3 ISTS AND LOCAL VETERANS’ EMPLOYMENT REPRESENT-
 4 ATIVES.—

5 (1) DISABLED VETERANS’ OUTREACH PROGRAM
 6 SPECIALISTS.—Section 4103A is amended by strik-
 7 ing all after the heading and inserting the following:
 8 “(a) REQUIREMENT FOR EMPLOYMENT BY STATES
 9 OF A SUFFICIENT NUMBER OF SPECIALISTS.—(1) Subject
 10 to approval by the Secretary, a State shall employ such
 11 full- or part-time disabled veterans’ outreach program spe-
 12 cialists as the State determines appropriate and efficient
 13 to carry out intensive services under this chapter to meet
 14 the employment needs of eligible veterans with the fol-
 15 lowing priority in the provision of services:

16 “(A) Special disabled veterans.

17 “(B) Other disabled veterans.

18 “(C) Other eligible veterans in accordance with
 19 priorities determined by the Secretary taking into
 20 account applicable rates of unemployment and the
 21 employment emphases set forth in chapter 42 of this
 22 title.

23 “(2) In the provision of services in accordance with
 24 this subsection, maximum emphasis in meeting the em-

1 ployment needs of veterans shall be placed on assisting
2 economically or educationally disadvantaged veterans.

3 “(b) REQUIREMENT FOR QUALIFIED VETERANS.—A
4 State shall, to the maximum extent practicable, employ
5 qualified veterans to carry out the services referred to in
6 subsection (a). Preference shall be given in the appoint-
7 ment of such specialists to qualified disabled veterans.”.

8 (2) LOCAL VETERANS’ EMPLOYMENT REP-
9 REPRESENTATIVES.—Section 4104 is amended by strik-
10 ing all after the heading and inserting the following:

11 “(a) REQUIREMENT FOR EMPLOYMENT BY STATES
12 OF A SUFFICIENT NUMBER OF REPRESENTATIVES.—Sub-
13 ject to approval by the Secretary, a State shall employ
14 such full- and part-time local veterans’ employment rep-
15 resentatives as the State determines appropriate and effi-
16 cient to carry out employment, training, and placement
17 services under this chapter.

18 “(b) PRINCIPAL DUTIES.—As principal duties, local
19 veterans’ employment representatives shall—

20 “(1) conduct outreach to employers in the area
21 to assist veterans in gaining employment, including
22 conducting seminars for employers and, in conjunc-
23 tion with employers, conducting job search work-
24 shops and establishing job search groups; and

1 “(2) facilitate employment, training, and place-
2 ment services furnished to veterans in a State under
3 the applicable State employment service delivery sys-
4 tems.

5 “(c) PREFERENCE FOR QUALIFIED VETERANS.—A
6 State shall, to the maximum extent practicable, employ
7 qualified veterans to carry out the services referred to in
8 subsection (a).

9 “(d) REPORTING.—Each local veterans’ employment
10 representative shall be administratively responsible to the
11 manager of the employment service delivery system and
12 shall provide reports, not less frequently than quarterly,
13 to the manager of such office and to the Director for Vet-
14 erans’ Employment and Training for the State regarding
15 compliance with Federal law and regulations with respect
16 to special services and priorities for eligible veterans and
17 eligible persons.”.

18 (3) EFFECTIVE DATE.—The amendments made
19 by this subsection shall take effect on December 1,
20 2002, and shall apply to appointments made on or
21 after that date.

22 (c) REQUIREMENT TO PROMPTLY ESTABLISH ONE-
23 STOP EMPLOYMENT SERVICES.—By not later than 18
24 months after the date of the enactment of this Act, the
25 Secretary of Labor shall provide one-stop services and as-

1 sistance to covered persons electronically by means of the
 2 Internet, as defined in section 231(e)(3) of the Commu-
 3 nications Act of 1934, and such other electronic means
 4 to enhance the delivery of such services and assistance.

5 (d) REQUIREMENT FOR BUDGET LINE ITEM FOR
 6 TRAINING SERVICES INSTITUTE.—

7 (1) IN GENERAL.—The last sentence of section
 8 4106(a) is amended to read as follows: “Each budg-
 9 et submission with respect to such funds shall in-
 10 clude a separate listing of the amount for the Na-
 11 tional Veterans’ Employment and Training Services
 12 Institute together with information demonstrating
 13 the compliance of such budget submission with the
 14 funding requirements specified in the preceding sen-
 15 tence.”.

16 (2) EFFECTIVE DATE.—The amendment made
 17 by paragraph (1) shall take effect on the date of the
 18 enactment of this Act, and apply to budget submis-
 19 sions for fiscal year 2004 and each subsequent fiscal
 20 year.

21 (e) CONFORMING AMENDMENTS.—(1) Section
 22 4107(c)(5) is amended by striking “(including the need”
 23 and all that follows through “representatives)”.

24 (2) Section 3117(a)(2)(B) is amended to read as fol-
 25 lows:

1 “(B) utilization of employment, training, and
2 placement services under chapter 41 of this title;
3 and”.

4 **SEC. 5. ADDITIONAL IMPROVEMENTS IN VETERANS EM-**
5 **PLOYMENT AND TRAINING SERVICES.**

6 (a) INCLUSION OF INTENSIVE SERVICES.—

7 (1) IN GENERAL.—(A) Section 4101 is amend-
8 ed by adding at the end the following new para-
9 graph:

10 “(9) The term ‘intensive services’ means local
11 employment and training services of the type de-
12 scribed in section 134(d)(3) of the Workforce Invest-
13 ment Act of 1998.”.

14 (B) Section 4102 is amended by striking “job
15 and job training counseling service program,” and
16 inserting “job and job training intensive services
17 program,”.

18 (C) Section 4106(a) is amended by striking
19 “proper counseling” and inserting “proper intensive
20 services”.

21 (D) Section 4107(a) is amended by striking
22 “employment counseling services” and inserting “in-
23 tensive services”.

1 (E) Section 4107(c)(1) is amended by striking
2 “the number counseled” and inserting “the number
3 who received intensive services”.

4 (F) Section 4109(a) is amended by striking
5 “counseling,” each place it appears and inserting
6 “intensive services,”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall take effect on the date of the
9 enactment of this Act.

10 (b) ADDITIONAL VETS DUTY TO IMPLEMENT TRAN-
11 SITIONS TO CIVILIAN CAREERS.—

12 (1) IN GENERAL.—(A) Section 4102 is amend-
13 ed by striking the period and inserting “, including
14 programs carried out by the Veterans’ Employment
15 and Training Service to implement all efforts to ease
16 the transition of servicemembers to civilian careers
17 that are consistent with, or an outgrowth of, the
18 military experience of the servicemembers.”.

19 (B) Such section is further amended by striking
20 “and veterans of the Vietnam era” and inserting
21 “and veterans who served on active duty during a
22 war or in a campaign or expedition for which a cam-
23 paign badge has been authorized”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall take effect on the date of the
3 enactment of this Act.

4 (c) MODERNIZATION OF EMPLOYMENT SERVICE DE-
5 LIVERY POINTS TO INCLUDE TECHNOLOGICAL INNOVA-
6 TIONS.—

7 (1) IN GENERAL.—Section 4101(7) is amended
8 to read as follows:

9 “(7) The term ‘employment service delivery sys-
10 tem’ means a service delivery system at which or
11 through which labor exchange services, including em-
12 ployment, training, and placement services, are of-
13 fered in accordance with the Wagner-Peyser Act.”.

14 (2) EFFECTIVE DATE.—The amendments made
15 by paragraph (1) shall take effect on the date of the
16 enactment of this Act.

17 (d) INCREASE IN ACCURACY OF REPORTING SERV-
18 ICES FURNISHED TO VETERANS.—

19 (1) IN GENERAL.—(A) Section 4107(c)(1) is
20 amended—

21 (i) by striking “veterans of the Vietnam
22 era,”; and

23 (ii) by striking “and eligible persons who
24 registered for assistance with” and inserting
25 “eligible persons, recently separated veterans

1 (as defined in section 4211(6) of this title), and
2 servicemembers transitioning to civilian careers
3 who registered for assistance with, or who are
4 identified as veterans by,”.

5 (B) Section 4107(c)(2) is amended—

6 (i) by striking “the job placement rate”
7 the first place it appears and inserting “the
8 rate of entered employment (as determined in a
9 manner consistent with State performance
10 measures applicable under section 136(b) of the
11 Workforce Investment Act of 1998)”; and

12 (ii) by striking “the job placement rate”
13 the second place it appears and inserting “such
14 rate of entered employment (as so deter-
15 mined)”.

16 (C) Section 4107(c)(4) is amended by striking
17 “sections 4103A and 4104” and inserting “section
18 4212(d)”.

19 (D) Section 4107(c) is amended—

20 (i) by striking “and” at the end of para-
21 graph (4);

22 (ii) by striking the period at the end of
23 paragraph (5) and inserting “; and”; and

24 (iii) by adding at the end the following new
25 paragraph:

1 “(6) a report on the operation during the pre-
2 ceding program year of the program of performance
3 incentive awards for quality employment services
4 under section 4112 of this title, including an anal-
5 ysis of the amount of incentives distributed to each
6 State and the rationale for such distribution.”.

7 (E) Section 4107(b), as amended by section
8 4(a)(3)(B), is further amended by striking the sec-
9 ond sentence and inserting the following: “Not later
10 than February 1 of each year, the Secretary shall re-
11 port to the Committees on Veterans’ Affairs of the
12 Senate and the House of Representatives on the per-
13 formance of States and organizations and entities
14 carrying out employment, training, and placement
15 services under this chapter, as measured under sub-
16 section (b)(7) of section 4102A of this title. In the
17 case of a State that the Secretary determines has
18 not met the minimum standard of performance (es-
19 tablished by the Secretary under subsection (f) of
20 such section), the Secretary shall include an analysis
21 of the extent and reasons for the State’s failure to
22 meet that minimum standard, together with the
23 State’s plan for corrective action during the suc-
24 ceeding year.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall apply to reports for program
3 years beginning on or after July 1, 2002.

4 (e) CLARIFICATION OF AUTHORITY OF NVETSI TO
5 PROVIDE TRAINING FOR PERSONNEL OF OTHER DEPART-
6 MENTS AND AGENCIES.—Section 4109 is amended by
7 adding at the end the following new subsection:

8 “(c)(1) Nothing in this section shall be construed as
9 preventing the Institute to enter into contracts or agree-
10 ments with departments or agencies of the United States
11 or of a State, or with other organizations, to carry out
12 training of personnel of such departments, agencies, or or-
13 ganizations in the provision of services referred to in sub-
14 section (a).

15 “(2) All proceeds collected by the Institute under a
16 contract or agreement referred to in paragraph (1) shall
17 be applied to the applicable appropriation.”.

18 **SEC. 6. COMMITTEE TO RAISE EMPLOYER AWARENESS OF**
19 **SKILLS OF VETERANS AND BENEFITS OF HIR-**
20 **ING VETERANS.**

21 (a) ESTABLISHMENT OF COMMITTEE.—There is es-
22 tablished within the Department of Labor a committee to
23 be known as the President’s National Hire Veterans Com-
24 mittee (hereinafter in this section referred to as the “Com-
25 mittee”).

1 (b) DUTIES.—The Committee shall establish and
2 carry out a national program to do the following:

3 (1) To furnish information to employers with
4 respect to the training and skills of veterans and dis-
5 abled veterans, and the advantages afforded employ-
6 ers by hiring veterans with such training and skills.

7 (2) To facilitate employment of veterans and
8 disabled veterans through participation in America's
9 Career Kit national labor exchange, and other
10 means.

11 (c) MEMBERSHIP.—(1) The Secretary of Labor shall
12 appoint 15 individuals to serve as members of the Com-
13 mittee, of whom one shall be appointed from among rep-
14 resentatives nominated by each organization described in
15 subparagraph (A) and of whom eight shall be appointed
16 from among representatives nominated by organizations
17 described in subparagraph (B).

18 (A) Organizations described in this subpara-
19 graph are the following:

20 (i) The Ad Council.

21 (ii) The National Committee for Employer
22 Support of the Guard and Reserve.

23 (iii) Veterans' service organizations that
24 have a national employment program.

25 (iv) State employment security agencies.

1 (v) One-stop career centers.

2 (vi) State departments of veterans affairs.

3 (vii) Military service organizations.

4 (B) Organizations described in this subpara-
5 graph are such businesses, small businesses, indus-
6 tries, companies in the private sector that furnish
7 placement services, civic groups, workforce invest-
8 ment boards, and labor unions as the Secretary of
9 Labor determines appropriate.

10 (2) The following shall be ex officio, nonvoting mem-
11 bers of the Committee:

12 (A) The Secretary of Veterans Affairs.

13 (B) The Secretary of Defense.

14 (C) The Assistant Secretary of Labor for Vet-
15 erans' Employment and Training.

16 (D) The Administrator of the Small Business
17 Administration.

18 (E) The Postmaster General.

19 (F) The Director of the Office of Personnel
20 Management.

21 (3) A vacancy in the Committee shall be filled in the
22 manner in which the original appointment was made.

23 (d) ADMINISTRATIVE MATTERS.—(1) The Committee
24 shall meet not less frequently than once each calendar
25 quarter.

1 (2) The Secretary of Labor shall appoint the chair-
2 man of the Committee.

3 (3)(A) Members of the Committee shall serve without
4 compensation.

5 (B) Members of the Committee shall be allowed rea-
6 sonable and necessary travel expenses, including per diem
7 in lieu of subsistence, at rates authorized for persons serv-
8 ing intermittently in the Government service in accordance
9 with the provisions of subchapter I of chapter 57 of title
10 5 while away from their homes or regular places of busi-
11 ness in the performance of the responsibilities of the Com-
12 mittee.

13 (4) The Secretary of Labor shall provide staff and
14 administrative support to the Committee to assist it in
15 carrying out its duties under this section. The Secretary
16 shall assure positions on the staff of the Committee in-
17 clude positions that are filled by individuals that are now,
18 or have ever been, employed as one of the following:

19 (A) Staff of the Assistant Secretary of Labor
20 for Veterans' Employment and Training under sec-
21 tion 4102A of title 38, United States Code as in ef-
22 fect on the date of the enactment of this Act.

23 (B) Directors for Veterans' Employment and
24 Training under section 4103 of such title as in effect
25 on such date.

1 (C) Assistant Director for Veterans' Employ-
2 ment and Training under such section as in effect
3 on such date.

4 (D) Disabled veterans' outreach program spe-
5 cialists under section 4103A of such title as in effect
6 on such date.

7 (E) Local veterans' employment representatives
8 under section 4104 of such title as in effect on such
9 date.

10 (5) Upon request of the Committee, the head of any
11 Federal department or agency may detail, on a non-
12 reimbursable basis, any of the personnel of that depart-
13 ment or agency to the Committee to assist it in carrying
14 out its duties.

15 (6) The Committee may contract with and com-
16 pensate government and private agencies or persons to
17 furnish information to employers under subsection (b)(1)
18 without regard to section 3709 of the Revised Statutes
19 (41 U.S.C. 5).

20 (e) REPORT.—Not later than December 31, 2003,
21 2004, and 2005, the Secretary of Labor shall submit to
22 Congress a report on the activities of the Committee under
23 this section during the previous fiscal year, and shall in-
24 clude in such report data with respect to placement and

1 retention of veterans in jobs attributable to the activities
2 of the Committee.

3 (f) TERMINATION.—The Committee shall terminate
4 60 days after submitting the report that is due on Decem-
5 ber 31, 2005.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Secretary of
8 Labor from the employment security administration ac-
9 count (established in section 901 of the Social Security
10 Act (42 U.S.C. 1101)) in the Unemployment Trust Fund
11 \$3,000,000 for each of fiscal years 2003 through 2005
12 to carry out this section.

13 **SEC. 7. SENSE OF CONGRESS COMMENDING VETERANS**
14 **AND MILITARY SERVICE ORGANIZATIONS.**

15 It is the sense of Congress that—

16 (1) veterans and military service organizations
17 are to be commended for the continued assistance
18 the organizations provide veterans; and

19 (2) veterans and military service organizations
20 are encouraged to provide job placement assistance
21 to veterans who are job-ready by making personal
22 computers with access to electronic job placement
23 services and programs available to veterans at local
24 posts and through other means.

1 **SEC. 8. STUDY ON ECONOMIC BENEFITS TO THE UNITED**
2 **STATES OF LONG-TERM SUSTAINED EMPLOY-**
3 **MENT OF VETERANS.**

4 (a) STUDY.—The Secretary of Labor shall enter into
5 a contract with an appropriate organization or entity to
6 conduct a study to quantify the economic benefit to the
7 United States attributable to the provision of employment
8 and training services under chapter 41 of title 38, United
9 States Code, in assisting veterans to attain long-term, sus-
10 tained employment. Such study shall include analyses on
11 the impact of such employment on Federal, State, and
12 local tax generated by reason of such employment, the
13 contributions of such employment on the domestic gross
14 national product, and such other indicators of the effect
15 of such employment on the economy of the United States.

16 (b) REPORT.—A condition of the contract under sub-
17 section (a) shall be that the organization submit to the
18 Secretary of Labor a report on the study conducted by
19 the organization not later than 18 months after the date
20 on which that Secretary enters into such contract.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Secretary of

- 1 Labor \$1,000,000 to carry out the provisions of this sec-
- 2 tion, such sums to remain available until expended.

Passed the House of Representatives May 21, 2002.

Attest:

Clerk.